

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
BROOKLYN**

JOHNATHAN FALK,

Plaintiff

V.

FMS INVESTMENT CORP.,

Defendant.

Civil Action No.:
12-cv-05710-KAM-RML

STIPULATION OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED to by the Plaintiff and the Defendant, by and through their attorneys, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), to the dismissal, with prejudice, of each claim and count therein asserted by Plaintiff against Defendant in the above-styled action, with Plaintiff and Defendant to bear their own fees, costs, and expenses.

Respectfully submitted this 22nd day of April, 2013.

/s/Adam Jon Fishbein

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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2013 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic case filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic case filing system.

/s/Adam Jon Fishbein

Adam J. Fishbein, Attorney for Plaintiff